



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE

June 7, 2005

Minutes

Representing the Committee:

Rick Ripma
Susan Westermeier
Dianna Knoll
Dan Dutcher
Jerry Heniser

Representing the Department:

Jon Dobosiewicz

Of Counsel:

John Molitor

The Subdivision Committee met to consider the following items:

1. Docket No. 05020020 PP: Overbrooke Farms - Primary Plat

The applicant seeks to plat a residential subdivision of 111 lots on 84.16 acres± and seeks the following subdivision waiver:

Docket No. 05030020 SW: 06.03.19 (4) - Access to Arterials

The site is located northwest of 141st Street and Shelborne Road and zoned S-1.

Filed by Dave Barnes of Weihe Engineers for WTFOT, LLC.

Representing the Petitioner:

Mike Walsh
Ralph Acre
Dave Morten
Jerry Houston
Jaime Schinamin from Weihe Engineers

The petitioners appeared before the committee to follow up on some details of the proposed development.

Petitioner Presentation

- The petitioner had been asked for additional detail of the signage on 141st Street and on the exit side of 146th Street. Dave Morton prepared examples including maps for the committee. The signage details included location of signs on both sides of 141st Street with an easement there along with the landscaping that will go around the sign. The petitioner admires the Chestwood Place Neighborhood and took pictures of their sign with the intent of making their own sign look like the Chestwood Place sign with the landscaping. Additional visuals displayed the north side entrance, (the alternative entrance), with the location of the signs and the easement as well as the landscaping. An architectural rendering of a columnar sign with Overbrooke Farms displayed on it was also provided. This sign is modeled after a picture of another sign that is similar to what the city had approved in the past.
- Jaime Schinamin spoke next on the requests to see improvements to the common area and referred to handouts (fold out map of subdivision).
 - o Jaime Schinamin described the two common areas, which protrude into the large pond in the middle of the development, and proposed putting in park benches (item number a) on the common areas.
 - o He also described concrete walks, which will go from the street to both of the common areas and are identified as item b. Both of the walks will be going through common area easements.
 - o The third item (item c) is the common area on the east border where a path will lead to that wooded area. The material of the path is undecided as to whether it will be a concrete sidewalk or a mulch path, which will be maintained by the homeowner's association.
- The petitioner next speaks about the request to see the photographs of the joining parcels to get a better idea of the need for a buffer improvement. A variety of photographs were submitted. The aerial photograph displays the various points of view, which correspond with the sets of photographs. The photographs show the tree line, which the petitioner said is very dense. The photographs were taken to show a panoramic view of the tree line down the property line. Portion on map shows an area with no existing trees, which will be referred to in the landscape plan.
 - o On the aerial photograph item e shows two tree lines, one on the property line and one further in. Two photographs display the area in item e to show density of second tree line.
 - o Points f and g also have corresponding photographs that show density of tree lines from the point of view from standing in the tree lines to get a sense of an existing border between the properties. Jaime says that also the idea behind the photographs is to show the density as well as the type of trees, being significantly evergreens.
- The petitioner spoke next on an item requested by commission, which was to have an inventory of trees along the fencerow, and he provided it in a large map of the subdivision. There are four pages with the last two pages constituting a landscape

- plan that has a legend on it that identifies all of the types of trees with symbols corresponding to the particular tree. This gives a pre-inventory for the property.
- A meeting was held a week ago with the adjacent property owners to reiterate what the petitioner was hoping to do with the property with regards to their vision of how the property was going to be developed and hear and give responses to questions and issues of the neighbors. Petitioner has given a copy of their response to questions.
 - Meeting with urban forester has been scheduled or is in the process of being scheduled to determine which trees will finally be counted as far as which are acceptable to be within the landscaping plan and which will be augmented to increase the tree line within the subdivision.

Department Report

- Jon Dobosiewicz – The department recommended that the committee forward the petition back to the full plan commission. The information that was presented is satisfactory with Jon Dobosiewicz for requirements for the primary plat. At the secondary platting stage the petitioner will want to meet with Scott Brewer again to make sure that Scott is comfortable with what they are identifying on site and that it is serving to meet the requirement of the minimum buffer guidelines along that edge and where they, the petitioners, would amend it with additional planting. What the petitioners have shown so far meets that requirement, but Scott Brewer needs to go out and verify that in the field.

Members of the Public were invited to speak at this time

- **Steve Babb** - 14138 Shelborne Rd.- Inquired about pictures showing west to east of property and if there are fences now or if there are no fences. Specifically areas where there are no trees.
 - o Petitioner responds by saying that they have had pictures of the areas with no trees that have been in question up to this point.
 - o Jon Dobosiewicz responds by saying that it is not necessary to see a picture of the area with out trees because the committee can assume what it looks like without trees.
- **Steve Babb** - Next inquired about the situation with sewage and water and the situation with it being able to tapped into. He was wondering that if one of the septic systems of the neighboring residents breaks down, will they be able to or required to tap into the new sewage lines provided by the petitioner's development.
 - o Another resident is also concerned with the requirements or possibility of being able to hook up to the sewer lines.
- Jon Dobosiewicz responds that it is not a platting issue for the committee to discuss tonight, but that the public should ask the health department and that if it is their desire to connect to sewer and water, and that if they are adjacent to the development that it would be possible for them to tap into but it would be at their own expense.
 - o Steve Babb is concerned next about harassing the new residents if he decides to connect to sewer and water.

- Jon Dobosiewicz confirms that there will be an easement on the property adjacent to Steve Babb's for him to get access to the sewer. The Hamilton County Health Department will not require a current resident to connect to sewer unless their septic system is failing, and that if that happens then the Hamilton County Health Department will make an assessment as to whether or not they feel that it is reasonable for you to tap onto sanitary sewer
- Another current resident inquired as to how they would tap into sewer and water if so required.
- Jon Dobosiewicz – The resident would need to hire a contractor to discuss capabilities of connecting, and there would be access to the sanitary sewer through and easement.
- The current neighboring residents are generally concerned with irritating the new residents of the project in the future if they (the current residents) decide to connect to the sewer. They do not want the new residents to be mad when the time comes to connect and the lawn of the new residents requires being torn up.
 - Jon Dobosiewicz commented that the new residents will not be able to say no because there is an easement there, and that if there are people that want to tap onto sanitary service then it would be less expensive to construct it all now and so they may want to work with the developer now, but that it is not for the plan commission to decide.
- Another resident is concerned with what the best answer is for connecting to sewer and if they connect now, what will happen if other sewer comes to their development later on.
 - Jon Dobosiewicz again comments that it is not for the plan commission to decide but that if they are really interested in this then they need to contact the health department and contact the services of an engineer to work with the developer and to decide how to best access the sanitary sewer and what is the best available route to get to the sanitary sewer.
- The next concern of the resident is in regards to a traffic problem that is currently an issue and that he assumes will get worse.
 - Jon Dobosiewicz responded to the comments and suggested that the resident contact his city council representative and that the planning department recognizes the fact that there need to be improvements and that as different developments have come forward they have either gained or set aside the resources that are necessary to make some of those improvements, particularly at the intersections. Stop signs have been added to some intersections such as at 141st and Shelborne and also at Town and 141st Street, which these are the first in federal efforts to make improvements. Town Road will be improved to a cross section that is similar to Hazel Dell Parkway with a timeline for 3 and 5 years out. Improvements to Shelborne that will happen next summer, mainly the realignment at 116th Street.

Organized Remonstrant

- **Nick Armstrong** – 3900 W. 141st Street – Met with Dave and Ralph. Nick Armstrong is worried about traffic. He would like a traffic study, and feels that every

- day traffic gets worse and worse. Immediate concern of Nick Armstrong's is the speed limit of 45 and cars drive faster than that, and the fact that the bike and pedestrian path will be put in there will be more and more small children out on the road.
- Jon Dobosiewicz comments that if Nick Armstrong has a problem with the speed limit not being maintained then he should contact the city police department and ask them to enhance patrols or come out and address that issue.
 - Nick Armstrong next comments on how thin the tree line is in the winter time and how he thinks it is a dying tree line, at least on his property line. He acknowledges that the builder is proposing adding an additional tree line every 17ft., which he thinks the overall canopy will not be sufficient and he asks the developer to consider larger trees and to increase the frequency.
 - The third issue that Nick Armstrong has is the lack of a barrier to keep children from crossing into their yard, and other neighbors have livestock and the lack of a fence is also a concern for them.
 - **Tom Chandler** - 3848 West 141st Street – The fence is an issue with him as well because he believes that such things as cows and horses will break through the fences that the contractors proposed and that then there will be loose animals running around, and he thought that they could tie in a nice theme with Overbrooke Farms by having fence and create a double fence barrier to protect people from reaching over the fences and fingers getting bitten by horses, cows, etc.
 - Mike Walsh responds to public comments. He understands that the tree line that is just north of 141st Street on the southwest corner of the property is a combination of evergreen trees and some fairly large deciduous trees. He feels that there is already a pretty good barrier there, but the petitioner is still going to bring more trees and interspace the trees. It is fairly hard, however to get large trees because they are more difficult to dig up and they are more difficult to keep alive. The petitioner will follow what the foresters say, both the developer's personal forester and the city forester. Mike Walsh explains that they will make an effort to increase the tree line on the developers land, but that the neighbors might also take some responsibility to increase the tree line on their property.
 - Mike Walsh next responded to the request for a fence and noted that when the property was purchased there was an existing fence, which he describes as a split rail fence as well as some fairly large livestock fence. The petitioner does not need these fences and they will be disposed of, however the petitioner is happy to provide the fences to anyone who would like them. Anyone may come and take the fences, however the petitioner would only ask that if someone gets hurt that they not seek an indemnity from the developer. Mike Walsh therefore states that if the neighbors would like a double fence, then they can have the old fence from the property, but he does not feel like it is reasonable to ask this developer to anticipate what the individual homeowners would want in terms of adding another fence. The petitioner does not believe that the city's requirements call for that. The petitioner also feels that if a new homeowner comes in and does not wish their young

children to wander around then they should have the means to build a fence, because it is a 6, 7, or \$800,000 neighborhood. The petitioner feels that with this combination that the developer has more than met the standards. Also, the petitioner is not going to put up a fence to keep some else's livestock in because that is a liability. As stated before, the developer has offered the existing livestock fence to the current residents, and has offered to put up an attractive split rail fence, but then the issue came up about keeping children in. The developer is not going to put up something that would accomplish this, which would be a tall privacy fence, and the petitioner does not think it is or has ever been Carmel's plan to create barriers between neighbors such as a privacy fence

- **Wayne Rose** – 146th Street, 44 West – Had an inquiry about the sewer line and where the sewer line comes from. Also, he inquired about the main entry way and why it was not placed at 146th Street which is a much heavier traffic area, because he thinks it seems more appropriate for traffic control to use 146th Street as the main entrance.
 - o The petitioner responded by saying that Wayne Rose will have to ask an engineer because he does not know why the sewer line goes where it goes. Also in response to the sewer line, the petitioner says that it will run the south side of 146th Street.
 - o In response to the main entrance, the petitioner explained that it was the intention not to create a through street between 146th Street and 141st Street. Also it is closer in the direction of schools and infrastructure.

Committee Questions and Comments

- Rick Ripma asked about the objection to putting up a fence because it sounds like something that the neighbors are really interested in. He also asks if the city has a problem with it
- Jon Dobosiewicz – He responded by saying that there is no problem and that he would support their request to have somebody put a fence up to keep their animals on their property. He also thinks that it is not necessarily the responsibility of the developers to put up a fence to keep the current neighbors' animals contained. Objectively he states that it is not a requirement in the ordinance to have the developer put up a fence.
- There is a question from the committee as to whether or not the petition can be passed without having the urban forester look at the site.
 - o Jon Dobosiewicz – The developer has provided everything required, and at the secondary platting stage, (the administrative stage) Scott will go out and verify the plans as presented to make sure they meet requirements.
- Next the committee asked about the common area. Does the common area go through several lots with an easement?
 - o Petitioner – It is in an existing tree line.
- Does the trail cut through property lots?
 - o Petitioner – It just goes in the wooded area, it does not exit the wooded area and it is strictly behind property lots. And the area will probably be left natural with access provided to the wooded area

- Petitioner – It is their (the developer’s) objective to provide access to the common areas and the wooded area. They will leave it up to the urban forester to decide how the forest area is going to be handled, as to whether it will be left as a nature preserve area, or whether it will turn into a park like area where people can walk and sit in.
- A committee member asked how to access lots 1 and 2?
 - o Access is through 141st Street with a single driveway at the moment
 - o The city thinks that in the secondary platting stage a single driveway will be required.
- Rick Ripma asks if any drainage problems have been worked out?
 - o The petitioner responded in the affirmative verifying that the developer has talked with the resident and resolved any questions.

*Diana Knoll motioned to forward **Docket No. 05020020 Primary Plat: Overbrooke Farms** and **Docket No. 05030020 Access to Arterial** to the Plan Commission with a positive recommendation. Seconded by Dan Dutcher, Motion **APPROVED 5-0**.*

2. Docket No. 05020024 PP: Pine Creek- Primary Plat & Subdivision Waivers

The applicant seeks to plat a residential subdivision of 4 lots on 10.25 acres±. The applicant also seeks the following subdivision waivers:

| | | |
|----------------------|---------|----------------------------------|
| 05020025 SW : | 6.03.20 | private streets |
| 05020026 SW: | 6.03.07 | cul-de-sac length |
| 05020027 SW: | 6.03.03 | street alignment/stub streets |
| 05050015 SW: | 6.03.06 | pavement and right of way widths |
| 05050016 SW: | 8.09 | sidewalks and pedestrian path |
| 05050017 SW: | 8.08 | curbing |
| 05050018 SW: | 6.05.07 | orientation of home |

The site is located northeast of 116th Street and Hoover Road. The site is zoned S1.

Filed by Rodney Kelly of Roger Ward Engineering for Bear Lake Trading Co.

Representing the Petitioner:

Murry Clark

Matt Maple

Bill Tate

The petitioners appeared before the committee to seek subdivision waivers for the proposed development.

Petitioner Presentation

- The petitioner wishes to maintain the rustic/rural nature of the property and is therefore seeking the above waivers. Clay Creek meanders through the property from the northwest corner down to the southeast corner and really helps establish the character of the property. It also plays a big impact on how the lots are drawn and where the lot lines are identified and established. At first the plat was a five-lot

subdivision, but that would require relocation of part of the creek. The petitioner felt that would be too problematic and so a lot has been removed to accommodate this.

- The petitioner addressed issues that were brought up in the plan commission. Lot 3 was an issue with the health department, but now a combination sewer/septic will be on lot 4.
- The petitioner presented combined design/site plan, which combined the petitioner's four lots proposal with the property plat that is proposed to the west. The two subdivision proposals are very different, and the petitioner does not believe that it would fit well with the character of the subdivision to provide stub streets to the subdivision to the west.
- Provided details, per request, of the gated entry. The waiver relates to the fact that it will be a gated community, and so the petitioner provided some detail as to the aesthetics of the front-gated area. The goal was to create a very old world stone fencing out front and then to have a wood gate along the perimeter. Earlier on the petitioner was asked to mirror the entrance to the subdivision after an entrance down the street on 116th Street, and to have a turn around before the gate. Therefore, they have mirrored the entrance to the subdivision and have created a turn around before the gate for someone to go out if someone makes a mistake. Their goal is to have a heavy stonewall by the gate and then go to a wood gate, which will run along the property line where more trees will be added to the existing trees.
- Presented pictures to give an idea of the character of the property.
- Pedestrian path waiver – Would be willing to capitulate and remove the waiver, but would like to phase it in because the property to the west is developing and will provide for sewers while the property to the east may not be developing in the near future.
- The private street winds back and will attempt to follow the current driveway (on the west side of the development), while the gate is in a slightly different location than the current driveway after recommendation from staff. Each lot would need reciprocal easements, except lot 1. There is an existing bridge on lot 4, which will remain, facilitating access to lot 4. A bridge would be added over the creek on lot 3.
- The cul-de-sac waiver is a waiver to increase length, because the ordinance calls for a maximum of 600 linear feet. The cul-de-sac for this development, however, needs to be longer because of the natural location of the creek and so the petitioner would like to make the cul-de-sac about 670 to 700 linear feet.
- Pavement and right of way widths – Ordinance provides for 30 feet including 2-foot curbs on either side, the developer has provided for 24 feet without the curbing, making them pretty close to the pavement that there would ordinarily be. The petitioner has provided for drainage and they think that the curbing as well as the

sidewalks would detract from the rustic natural setting. The petitioner also notes the limited number of lots and the minimal traffic, particularly because of the gate, which they believe make the waivers reasonable requests.

- Orientation of the home on lot 1. The petitioner believes that the homeowner would probably prefer the homes to face to the west given the topography and the location of the trees. The petitioner would like the flexibility for the eventual property owner of lot 1 to be able to face the home in a direction other than facing 116th Street.
- **No public present.**

Department Report

- The Department believed the petitioner addressed what follow up was necessary. Cumulative affect of number of waivers is an issue, but the purpose of them is to achieve a rural character of the area, and three of the waivers are necessary to accommodate or achieve that character. The department would like to draw attention to the aesthetics of the gate and the distance that the gate is from the road. The gate is approximately 140 to 150 feet from the centerline, unlike some other gated subdivisions, which are closer to the centerline. The proximity and further distance from the right-of-way of this gate should diminish the concern about aesthetics or the representation that is being portrayed to the community as far as what is gated or not gated. The department is in support of the request, with the added waivers being in support of the character, which the department is not opposed to on a subdivision that will serve this number of lots (4).

Committee Questions and Comments

- Dianna Knoll likes the distance that the petitioner put the gate, and that it looks less offensive.
- A committee member asked what is to the north of the property.
 - o The petitioner responded that directly north are woods.
- A committee member asked about the proposed ditch road extension.
 - o Jon Dobosiewicz stated that it would be significantly east and north of the site. The parcels that are needed to accommodate that ditch road extension are all in fact one removed from this further east, and also one or two removed to the north.
- Susan Westermeier requested clarification of the path that runs along 116th Street and what the long term plans for it are.
 - o Jon Dobosiewicz responded by saying that if the city installed and made improvements to 116th Street then the city would include pedestrian paths on both sides. The petitioner is recommending, and it will be handled at the secondary plat, that they are going to withdraw consideration of the request and will commit to installing the path. When the subdivision to the west develops and they

terminate at the petitioner's west property line, at their eminent construction of that path, then the petitioner will build the section across their property. The benefits of this are that the petitioner will probably coordinate with the developer to the west to get a single rate on the extension of the path, which will cost less, and also, for the time being, there will not be a single segment of sidewalk that does not connect to anywhere.

- A committee member agreed that it is a good solution to the path, but that the next project that comes in to the west does include a path and that is expected to be put in, so the delay time will probably not be very long. Collectively it is in everyone's best interest to put the path in, but to put the path in later is understandable.
- Dan Dutcher approved of the look of the gate, and believes it is a good solution.
- Dan Dutcher asked the department about the difference between this development, which they are allowing waivers to the street, and a comparative development (Chateau Moulin), which was required to build to street standards.
 - The department answered that the difference is in the geometry of the land. The Chateau Moulin had a sort of question mark shaped street; where as the development in petition is straight and not necessarily of concern from a geometry stand point. Also, the number of lots and the character trying to be achieved affects this development. Jon Dobosiewicz does not have as much concern about the street standards for this development because there are only four lots and it is gated. If it wasn't gated then the department would probably have a bigger concern about the street standards.
 - Dan Dutcher was concerned about the street standard and what is considered rural. He expressed his concerns for the record so that the next time someone comes forward and wants to be rural and not have to apply street standards, this case will be distinguishable from the future cases.
 - Dianna Knoll said that Dan Dutcher made a good point, but she brought up the example of Indianapolis and how there are pockets where it does not look urban. She thinks that diversity like that is good.
- Diana Knoll brought up the health department letter, and the fact that the letter needs to be addressed.
 - The petitioner responded by saying that they will be able to work something out. Lot three septic will be connected to lot 4.
- A committee member is tired of letting new developments pass on having to put the path in that runs out front. Some point he believes they are going to have to say, "No, sorry. You are going to have to build a path." Otherwise it would be possible to never end up with a path and 116th Street certainly needs a path.
- The fact that the house does not face the street, a committee member stated, is ok because there is a fence and some nice buffering from trees. Other developments may not get this privilege, depending on what the land looks like.

- Susan Westermeier asked why the developer did not go to sewer instead of septic tank.
 - o The petitioner responded by saying that sewers were too far away
 - o Jon Dobosiewicz says that it would be done through secondary plat anyways.

*Dianna Knoll moved to forward **Docket No. 05020024 Primary Plat, Pine Creek** to the Plan Commission with a positive recommendation and all the waivers with the exception of the pedestrian path which the petitioner will commit to putting in when the subdivision on either side comes in, seconded by Susan Westermeier, Motion **APPROVED 5-0**.*

3. Docket No. 050300019 PP: West Clay Colony

The applicant seeks to plat 23 lots on 40 acres. The site is located at the NE corner of Hoover Road and W. 116th Street and is zoned S1 (Residential).
Filed by Michael DeBoy.

Representing the Petitioner

Michael Deboy

- The petitioner did not have much to present besides to answer any questions that the committee might have.
- The petitioner stated that the sanitary sewer is going toward the east.

Department Report

- Jon Dobosiewicz said that the only other issue besides water and sewer is the need for a landscaping plan that would address the perimeter along 116th and Hoover Road. Also, under current requirements the lots adjacent to Hoover Road need to face Hoover Road, but Jon Dobosiewicz does not think that is the intent of the petitioner. The petitioner therefore needs to either file a waiver or revise the design for the subdivision.
- The petitioner had a question about the waiver and if it should be filed before the primary plat
- Jon Dobosiewicz stated yes, that is the way it works.
- Jon Dobosiewicz stated that the department would have to see justification for a waiver, if the petitioner decides to file a waiver, for the houses not to face the street. He would also need to see something along the Hoover Road frontage, whether that is a wall and fence combination or additional planting. He is not comfortable asking the plan commission to forward the petition up tonight. Jon Dobosiewicz either wants the petitioner's client to make a decision as to whether a waiver will be filed or the subdivision will be redesigned in a manor so that the houses will front Hoover Road with either an alley or some type of configuration that is better suited than double

fronted lots. Jon Dobosiewicz would recommend that the committee table the request until the July committee meeting.

- Dan Dutcher brought up the issue of a path along Hoover Road.
 - o That will be looked into to verify if it is in the plan already or not because it should be included.

*Rick Ripma **TABLED** Docket Number 050300019 until the July subdivision committee meeting.*

- **TABLED** to the July or August subdivision committee meeting.

4. Docket No. 05040012 PP: Abney Glen

The applicant seeks approval to plat 42 lots on 38.68 acres with the following Subdivision Waivers:

| | | |
|---------------------|----------------|--------------------------------|
| 05040013 SW: | 6.05.07 | Dwellings facing thoroughfares |
| 05040014 SW: | 6.03.07 | Cul-de-sacs |
| 05050020 SW: | 6.02 | Suitability of land |

The site is located at 11850 Shelborne Road and is zoned S1/Residential.

Filed by Paul Shoopman for Indiana Land Development Corp.

Representing the Petitioner

Charles Frankenburger representing Indiana Land Development
Paul Shoopman
Dave Jackson
Jud Scott, Arborist

The petitioners appeared before the committee to seek subdivision waivers of the proposed development.

Petitioner Presentation

- Presented current conditions aerial. There are 44 lots with a 1.1 density per acre.
- Requesting waiver for cul-de-sac, the length of the street including in the cul-de-sac is some 660 feet. The police and fire department are aware of this and have not expressed public health/safety concerns.
- The second waiver pertains to lots within the flood plain. Would like to mix some of the lots within the flood plain. Drawings to show the proposed conditions are still in the process of being prepared, and are optimistic that they will have them for the next committee meeting. The petitioner does not expect the committee to decide on the waiver until they have been shown the information necessary to render that decision. Some of the lots may have to be narrowed a little bit depending upon how the flood plain is actually planned and delineated. Part of the complication is that this area has not been mapped by DNR.

- The third waiver pertains to the frontage place ordinance. Homes on lot 1 and 12 through 16 will all face north toward 121st Street. The houses on lots 22, 25 will face outward toward the intersection of Shelborne and 121st Street, and are designed, in part, to address the anticipated round about in that corner. The lots for which the petitioner is seeking a waiver are 21, the home will face south, 26 the home will face north, and 30 the home will face south. All of the homes will be very upscale, and there will be landscaping along the area of Shelborne Road, in addition to what is required by the ordinance. It is actually 29 shrubs, and 8 trees in addition to what is required. It was the petitioner's opinion that any more trees or shrubs would be excessive.
- The petitioner stated that Indiana Land Development has been very sensitive to tree preservation. The areas of tree preservation were presented in drawings. The houses will be upscale, and they anticipate the price range to be between \$400,000 and \$500,000. Presentation concluded.

Members of the Public were invited to speak at this time

Organized Remonstrant

- **Rick Bonar** – 3845 Branch Creek Court in Long Branch Estates, representing Long Branch Estates.
 - o Was concerned that the plans kept changing and was wondering when the final plans would be available for the neighbors.
 - o Inquired about when and where they would know what requests are not granted and which things are going to happen, which are not, and why. Also, how is it insured that what is granted and approved is completed? What vehicles insure that? Is it the final submission that is signed by the committee, is it city documents, a neighborhood covenant? The concern is what the final project will be.
- Jon Dobosiewicz asked about what the changes are.
 - o Rick Bonar answered by saying the three preserves have changed on the drawing. Also, some of the pictures have had a pond and now that is changed. Because some of these things changed, the concern is that they may change again, especially since Long Branch Estates has had another experience on the south side of 116th Street where a developer talked about one thing with Long Branch Estates and in the end things changed.
 - o Jon Dobosiewicz asked Rick Bonar to call the Department of Community Services to get questions answered about process and how things get done. Jon also stated that the applicant now has additional time because they are coming back to committee with additional information, and that the petitioner will be able to contact Rick Bonar with reference to Mr. Harris's letter and communicate their position on the requests.
- **Mike Ulerich** – 11859 Shelborne Road. He was a little concerned that the city is very vague with what they are planning to do with the roads as far as roundabouts,

putting a median down Shelborne, and putting a median down 121st Street. He felt that it was strange that the development was ending up with 7 entrances. He didn't think there was a need for that many entrances. He is concerned that they may not be able to keep access to turn left out of the subdivision, because he himself has been fighting for a while to turn left onto Shelborne Road, and if a person cannot turn left then it becomes a hassle to go around the country block to get to where one is trying to go. The little semi circle in the northeastern corner was also of concern to Mike Ulerich, and the fact that it might turn into a shortcut to get around the intersection at 121st Street and Shelborne Road.

Rick Ripma closes the public hearing.

Petitioner's Rebuttal

- The petitioner has agreed to declare a written commitment for tree preservation.
- Have been asked to preserve three spruce trees, and the developer will save these trees to the extent that they are able to.
- The petitioner had also been asked to save 5 Silver Maples and they have agreed to do that, and have done that by widening the tree preservation buffer. Along the segment of the western boundary and a segment of the southern boundary.
- They were asked to fortify landscaping in southern area, and have done that.
- A fence along the western boundary will remain to stop construction debris from drifting over to the adjacent property.

- Regarding the number of entrances. Along Shelborne Road they need both entrances, one for the southern half of the real estate and one for the northern half of the real estate. The top half circle in the northeastern portion of the property will provide access for only 4 lots. There are two other entrances on 121st Street excluding the half circle entrance. The petitioner said that the center entrance could be eliminated if it was the desire of the plan commission, with the allowance of additional driveway to service lots 14 and 15. Also the petitioner had been asked to limit the access points for construction and development traffic, and they have agreed to limit the entrances for development. Their reference was to use 121st Street because it is less traveled with less traffic on it.

Department Report

- The department had no additional comments and it is favorable that the petitioner request to be tabled until the next committee meeting to get the additional information on the flood way. The department has provided written comments prior to this on that flood way consideration. The department's primary concern is that the petitioner illustrate that they have true available lots.

Committee Questions and Comments

- Dan Dutcher asked if the landscaping tree preservation plans had been approved by the urban forester.

- The petitioner responded by saying no, he didn't believe so. The petitioner said he believed that they needed to submit a detailed landscape plan and tree preservation plan for the urban forester to review and that was their next step.
- Jon Dobosiewicz said that with the original plan there were not significant modifications that were requested, its just with the state of flux that some of the changes are in, once that final plan is presented that will have an opportunity to do that and get assignment.
- Jud Scott said that Scott had a couple concerns about some specific trees, those have been addressed in the landscape plan and that is what has taken time to revise the landscape plan. The tree preservation plan has been made larger, and it is a site-specific tree preservation land plan. He believes that some of Scott's concerns have been addressed and he thinks Scott will be happy with what they are doing.
- Dan Dutcher asked about the post construction recommendation in the tree preservation plan, and who would be responsible for the post construction implementation, such as regular mulching.
 - The petitioner answered that the reason they write those in is so that the new home owner's association will have something to refer to and be able use to know what to do with the tree preservation plan and what needs to be done throughout the neighborhood.
- Dan Dutcher next asked about lot 39 where the existing pond is located that is proposed to be removed. He is interested in the possibility or the necessity at this point of filling the pond in given some of the water issues that exist. He thought it was interesting to fill in one pond only to build another one, given some of the flood issues.
 - The petitioner responded that he did not believe, based upon their expert engineering that the pond is a regulated wetland. Therefore, he doesn't believe that its fill is prohibited. They do have other ponds. They are filling in a pond and putting ponds elsewhere in part because that particular pond is on land that will make a very nice aesthetic wooded lot, and it is able to be filled
- Dan Dutcher also said that the exhibits were really well done and really helpful, so thanks. To see the picture helps.
- The petitioner also said that the current pond is more aesthetic and not needed for flood issues because there is a hill near by. The pond isn't currently needed to alleviate water issues.
- Dianna Knoll had some questions about the driveway and lots 13 and 14 with driveways off of 121st Street. She said there are a lot of streets intersecting onto 121st Street. She doesn't think the half circle does anything but to benefit those four houses, and she doesn't think it will benefit the health, safety, and welfare of the homeowners or those who live around it with the traffic coming in and out.
 - The petitioner thought that it was a good design to be able to have a frontage place for the homes that face outward toward the street.

- The department commented saying that it is typically more driveway cuts than would be seen with a subdivision and it is an issue that the engineering department has had some comments on and one was when an intersection is permitted at 121st Street and Shelborne that they advised to the petitioner that it is likely that access to those two drives would be right in right out, and could go around the roundabout, if installed in the future, and come back around. Mr. Frankenberger had mentioned earlier about their willingness to eliminate the street that accesses that area and back that further away from the intersection, to eliminate that drive. The department doesn't have a large concern about it, but that would address the concerns of Dianna Knoll.
 - Dianna Knoll asked that if the street were taken out would they then put in another like 13 and 14 for 15 and 16?
 - Petitioner responded saying yes, and then one drive would service two lots.
 - The department said that the houses would still face the exterior for better presentation.
 - The cross section in the center would still stay.
 - Part of the need for the center section was to create a focal part.
 - Also it is used for an access to the creek.
 - In regards to the upper north eastern corner there was a worry that people would use it as a shortcut around the stoplight. It was proposed that speed-calming devices could be used to discourage through traffic.
- Rick Ripma said he would like to see some landscaping on the waiver request of the dwellings facing the thoroughfare to give a better presentation for people driving down the street. He wanted to know what it would look like from the street to the home.
 - Lots 21, 26, and 30 are the ones that require the waiver.
 - The classification of 121st Street does not meditate a waiver for lots 16 and 25.
 - The petitioner said he understood.

*Rick Ripma **TABLED** Docket Number 05040012 - Abney Glen until the next subdivision committee meeting.*

There being no further business to come before the Committee, the meeting was adjourned at 8:40 PM.

Rick Ripma, Chairperson

Alexia Donahue Wold, Secretary Pro Tem